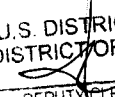


FILED

IN THE UNITED STATES DISTRICT COURT, FOR EASTERN DISTRICT OF CALIFORNIA. MAY 23 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

IN RE:(Shalam C. Saintillus-Bey)
MOORISH HAITIAN-AMERICAN NATION
(Real party in interest (Petitioner))

CASE# 2:20-Cr-00213kjm

RE: CHALONER SAINTILLUS
(Infant/Minor/Defendant)

VS

CHIEF JUDGE: Kimberly Mueller

UNITED STATES OF AMERICA
(Respondent/Plaintiff), FICTITIOUS FOREIGN STATE

**REPLY TO UNITED STATES "OPPOSITION TO DEFENDANTS FURTHER
MOTION TO DISMISS", DOCKET # 111. (FILED 5/6/2022) (MOST RECENT
SUPPLEMENT)**

COMES NOW, the petitioner/defendant, Shalam C. Saintillus-Bey, a prisoner in Federal custody, In Proper person Sui Juris; hereby, moves this Honorable court to vacate, set aside and dismiss the case, in the above-styled cause due to lack of personal/subject-matter jurisdiction, void contracts, and to release him from custody immediately, because the Indictment/Complaint/Information conviction is in violation of the United States Constitution, United States Supreme Court case law(s), and federal law(s). As grounds for this pleading, the petitioner will state as follows:

The Petitioner is not a lawyer and his pleadings cannot be treated as such. In fact, according to *Haines v. Kerner*, 404 U.S. 519 (1972), a complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.*, at 520-521, quoting *Conley v. Gibson*, 355 U.S. 41,45-46 (1957). "[A] pro se petitioner's pleadings should be liberally construed to do substantial justice." *United States v. Garth*, 188 F.3d 99, 108 (3rd Cir.1999).

All of the evidence and/or facts contained in this pleading constitutes newly discovered evidence, because Petitioner was unaware of these facts and the facts could not be ascertained by Petitioner through due diligence. It's well established, common law, that newly discovered evidence will get any case reopened and/or reviewed:

The Foreign sovereign Immunity Act, 28 USC 1602-1611, allows the jurisdiction of the court to be challenged:

"Jurisdiction can be challenged at any time." Basso v. Utah Power & Light Co. 495 F.2d 906, 910. And the court cannot ignore lack of jurisdiction. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 F.2d 215:

"However late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction." (See Rhode Island v. Massachusetts, 37 U.S. 657, 718, 9 L. Ed. 1233 (1838);

The question of jurisdiction in the court either over the person, the subject-matter or the place where the crime was committed can be raised at any stage of the criminal proceeding; it is never presumed, but must always be proven; and it is never waived by a defendant. (See U.S. V. Rogers, 23 Fed., 658 (DC Ark. 1885),

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." (See Hagans v. Lavine 415 U.S. 533.)

It matters not how the issues is raised, Latana vs. Hopper, 102 F. 2d 118; McNutt vs GMAC, 298 US 178... Etc. Ad infinitum. No enforcement can proceed until jurisdiction is proved. Crater Lake Co. vs. Ore., 26 F Supp 363, and can be challenged at any time, Stuck vs. Ca l., 211 F. 2d 389; Gilman vs. Gilman, 41 W 2d 319; 249 F. 2d 361; West vs. Martin, Beauty College vs. Huse, Brandy vs. Richardson

A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", *Old Wayne Mut. L. Assoc. v. McDonough*, 204 U. S. 8, 27 S. Ct. 236 (1907).

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." *Hill Top Developers v. Holiday Pines Service Corp.* 478 So. 2d. 368 (Fla 2nd DCA 1985)

"Jurisdiction, once challenged, cannot be assumed and must be decided." *Maine v Thiboutot* 100 S. Ct. 250.

"A universal principle as old as the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." *In Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon*, 187 P 27.

If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. (See *Louisville v. Motley* 2111 US 149, 29S. CT 42. "The Accuser Bears the Burden of Proof Beyond a Reasonable Doubt".)

Court has no discretion to refuse to vacate a void judgment. (See *Export v. Reef*, 54 F. 3d 1466, 1469 (9th Cir. 1995). The said court in *Reef*, held: "We review de novo, however, a district court's ruling upon a Rule 60 (b) (4) motion to set aside a judgment as void, because the question of the validity of a judgment is a legal one. (See *Retail Clerks Union Joint Pension Trust V. Freedom Food Center, Inc.* 938 F. 2d 136, 137 (9th Cir. 1991)

Orner v. Shalala, 30 F. 3d 1307 (10th Cir. 1994) held that "When the rule providing for relief from a void judgment is applicable, relief is not discretionary, but is mandatory."

Jaffe v. Van Brunt, 158 F.R.D. 278 (S.D.N.Y. 1994) held: "Judgments entered where courts lack either subject matter jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside."

"Without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespasser." (See *Elliot v. Piersol*, 1 pet. 328, 340, 26 U.S. 328).

STATEMENTS OF THE CASE AND FACTS

On October 27, 2020, at approximately 7-8 am, various offenses were allegedly committed at My Residence (at the time), located 245 NW 10 th Avenue in the City of Delray Beach, Florida.

The above series of events lead to the arrest the (presumed) "Defendant", on October 27, 2020, who was charged with various "crimes" conspiracy to distribute," forfeiture etc. (See case number(s) 9:20-Mj-08364DLB ; 2:20-Mj-00162JDP ; 2:20-Cr-00213KJM).

On March, 2021 the "Defendant" appeared in open court with special Federal Public Defender, (Which I never asked for a Representative Btw) Hannah Labaree (which later I removed off the case immediately). I Believe Assistant District Attorney Mr. SAM STEFENKI was present for the Government. "Defendant" was assuming a bail hearing would process etc.

Later after failed bail hearing I asked Hannah Labaree to step down. I immediately, out of nowhere (without my permission), the Government immediately puts two more Federal Defenders on my case: Mia Crager and Hootan Mahamgagdi* The following month, there was a bail hearing. During this hearing, I told the courts "I am not a United States Citizen, Nor a Citizen of the United States." This led to an awkward silence in the Zoom hearing. This assertion was not contended.

Mia Crager and the court ignored my request that I did not want any part of a Federal Defender representing me or the case which they ignored on June 16, 2021 in open court. I expressed the fact that I was the sole beneficiary of the court bonds and the trust property in question, Mia Crager did not do anything I've had asked her to do. I wanted to go Pro Per/Pro Se. She went along with the court, and decided I needed an evaluation, conspired against my will without telling me nothing, to send me to an evaluation "facility."

Mia Crager Wrote a declaration against me and persuaded Chief Judge Kimberly Mueller to send me on a 7 month evaluation in Los Angles M.D.C Bureas of Prisons. I didn't return to Sacramento County till January 7, 2022. At this hearing I asked Hootan and Mia Crager to step down so I can represent the Defendant(CHALONER SAINTILLUS) by special Appearance...I spent 500 days and counting, still illegally incarcerated stemming from case numbers above (2:20-Cr-00213KJM). The arrest was illegal, this unequivocally lack of personal/subject-matter jurisdiction and proper venue. The defendant will easily prove as the parties read on (keep in mind that a stop is a temporary arrest. Detention and arrest mean one and the same thing according to the Black's Law dictionary, 4th edition).

When the defendant was illegally arrested and charged with various crimes, the Government committed a false arrest, kidnapping, false imprisonment, fraud (mail, actual, constructive, criminal, extrinsic, inducement, fraudulent conveyance), slavery, defamation of character, malicious prosecution, in violation of defendant's federally secured Constitutional rights guaranteed by the 1st, 8th, 5th, 11th, and 14th Amendments under the United States Constitution for the United States.

As a result of the illegal arrest, the defendant lost some of the best years of his life (Time away from his Daughter and Family) loss of labor and loss ability to secure prosperous labor(defamation of character), via felony claim barring the defendant from certain jobs.

I am still currently incarcerated in Limbo without a precise move or dismissal from the courts. I have been getting my court dates rescheduled pushing out the time frame 3-4 months at a time not to mention the lengthy 7 months one from June 16, 2021 to Jan 7, 2022. The arrest was illegal, because the government lacked the jurisdiction and proper venue to try the defendant, as I will demonstrate this fact as the parties read on.

The fee for illegal incarceration according to Trezevant v. City of Tampa, 741 F.2d 336(11th Cir.1984), is \$65,217 dollars per hour, and \$1,565,208 (million) dollars per day. The Defendant came to this conclusion, because in Trezevant, a Motorist illegally held for 23 minutes in a traffic charge was awarded \$25,000 in damages.(That would bring me to roughly around \$800 million dollars if you do the math right according to Trezevant.)

Pennoyer Rule (1968) Pennoyer v. Neff "any court which lacks personal Jurisdiction is also a court which lacks In Personam Judgment"

Bonds v. United States (SCOTUS 2000) "without contract and consent enforcing government rule is Illegal and the individual enforcers can be held personally liable for their actions"

Cruden v. Neale "all men are independent of all laws except the laws Prescribed by nature"

Scott v. McNeal "courts have no jurisdiction to administrate the estate of a living Person"

Pennhallow V. Doanes Administrators "governments are artificial persons and can only deal with artificial Persons"

Boswell v. Otis "District Courts only have In Rem Jurisdiction" "and "Can only Proceed In Rem, They act Administratively/Ministerial not Judicially".

Re: **"Bey v. Gascon"**, NO 19-cv-03184-WHO, 2019 WL 5191012 at *5(N.D. Cal. Oct. 15, 2019) **"In Bey v. Gascon" "Bey is a United States citizen" I'am Moorish Haitian-American, a Citizen of Moorish America.(SEE: Article 6 and Article 33 of United Nations Declaration on the Rights of Indigenous People.) Black's law pocket 5th ed. Pg. 527 "Nationality is often used synonymously with citizenship"**.

GROUND I. NEGROES ARE NOT US CITIZENS

1. The petitioner is a negro and according to **Dred Scott v. Sanford** 60 US (19 Howard) 393 (1857), Negroes---whether, held to slavery or free- were not included and were not intended to be included in the 'category' of **'citizen' (subjects)** of the UNITED STATES. According to the above United States Supreme Court Case, I am outside of the jurisdiction (power) of the UNITED STATES corporation, which is a corporation according to title 28 USC 3002 Section 15A, which states that the United States is a Federal Corporation and not a Government, including the Judiciary Procedural Section.
2. According to **Dred Scott v. Sanford**, the petitioner is not a United States Citizen, Nor a Citizen of the United States; Not a 14th Amend, **Corporate Citizen**. The Word **Citizen** is synonymous with the word **Subject**, according to the Black's Law Dictionary, 4th edition, deluxe. In other words the petitioner is **not subject** to the jurisdiction of the US Corporation.
3. The **Dred Scott** case proves beyond doubt that any Judgment/Indictment/Complaint/Information, entered any time, for the petitioner, is null and void, due to lack of personal jurisdiction, which made any and all contracts that the petitioner would potentially sign, signed, invalid void contracts.
4. "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the courts lacks jurisdiction, the court has no authority to merits, but rather, should dismiss the action." **Melo v. US**, 505 F.2d 1026.
5. A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] **Sramek v. Sramek**, 17 Kan. App. 2d 573,576-77,840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).
6. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court," **Old wayne Mut. L. Assoc. v. McDonough**, 204 U.S. 8, 27 S. Ct. 236 (1907).
7. "The burden shifts to the court to prove jurisdiction." **Rosemond v. Lambert**, 469 F 2d 416.

GROUND II. NO HOLDER-IN-DUE-COURSE AND NO CORPUS DELICTI

- 1.) The United States *of* America is not the injured party. How can The United States of America be the victim when the word OF means belonging to someone or something. Who owns The United States of America? Whoever owns The United States of America has to press charges, because whoever owns The United States of America is the holder-in-due-course. The holder-in-due-course has to press charges. (See UCC 3-308) All law is contract. Contract is commercial business; therefore, the Uniform Commercial Code (UCC) applies. The UCC governs all business transactions and corporations. The UCC is International Law.
- 2.) On December 26, 1933, 49 Statute 3097, Treaty Series 881, "Convention on Rights and Duties of States," CONGRESS replaced STATUTES with international law, placing all states under international law. Therefore, the Uniform Commercial Code (UCC) applies to the United States, which is a federal corporation according to Title 28 USC section 3002 (15)(A). Also see, William Dixon v. The United States, 1 Marsh 117, 181 (1811), Justice John Marshall explained that "The United States" was a corporation and all of the politicians were the officers of that corporation.
- 3.) For a crime to exist there must be an injured party (Corpus Delicti). There can be no sanction or penalty imposed on one because of this Constitutional Right. (See Sherer v. Cullen 481 F. 945.)
- 4.) The Black's Law Dictionary defines Corpus Delicti as follows:

Corpus Delicti: The body of the offence; the essence of the crime.

It was a general rule not to convict unless the corpus delicti can be established, that is, until the dead body has been found. Instances have occurred of a person being convicted of having killed another, who, after the supposed criminal has been put to death for the supposed offence, has made his appearance.

Alive. The wisdom of the rule is apparent; but in order to insure justice, in extreme cases, it may be competent to prove the basis of the corpus delicti by presumptive, but conclusive, evidence.

- 5.) The United States of America is not a flesh and blood victim, because The United States of America is a corporation; therefore, it is not and will never be the Corpus Delicti. Can the government produce the owner of The United States of America? I ask this, because

the word of in The United States of America means ownership, possession, and belonging to. If the government cannot produce a holder in due course, this case cannot proceed and should have never proceeded on this case ground alone.

- 6.) The government has to present the signature of the owner of The United States of America, as the holder-in-due-course, in order to press charges against this petitioner, and in order to have a valid contract. All law is contract. In other words, there is no contract without the signature of the holder-in-due-course (owner) authorizing prosecution; and no crime without a flesh and blood person (Corpus Delicti), as The United States of America. "If there is no contract there is no case." (See Erie Railroad Company vs. Tompkins, 304 US 64 (1938).
- 7.) The United States of America contracted with this petitioner without the proper authorization, the signature, from the holder-in-due-course and without the Corpus Delicti, a flesh and blood victim, as The United States of America; therefore, this case must be dismissed, because no valid contract exists for prosecution; making, any and all contracts/judgment of convictions, null and void.
- 8.) The plaintiff/Respondent must provide proof of signatures and status as holder in due course, according to Uniform Commercial Code (UCC) § 3-308, in order to have a valid contract. The government has failed to produce the signature of the holder in due course; therefore, if there is no contract there is no case (see Erie Railroad Company vs. Tompkins, 304 US 64 (1938).

GROUND III. 11TH AMENDMENT IMMUNITY

- 1.) The 11th Amendment under the US Constitution reads as follows: "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."
- 2.) On December 9, 1945, International Organization Immunities Act relinquished every public office of the United States to the United Nations. This law makes all public officials foreign citizens, barring them from judicial power. All public officials are administrative agents of the US Corporation. They have no judicial power whatsoever.
- 3.) 22 CFR (Code of Federal Regulations) 92.12-92.31 FR Heading "Foreign Relationship" states that oath is required to take office.
- 4.) Title 8 USC 1481 states, once oath of office is taken citizenship is relinquished, thus the

oath taker becomes a foreign entity, agency, or state. That means every public office is a foreign state, even all political subdivision; i.e., every single court is considered a separate foreign entity.

5. Title 22 USC, "Foreign Relations and intercourse," Chapter 11 identifies all public officials as foreign agents.
6. All "judicial power" of the "inferior courts" comes from the judiciary Act of 1789, as did the Attorney General position. "Judicial power" comes from article III, Section 2 of the Constitution. The Eleventh Amendment removed all "judicial power" in law, equity, treaties, contracts law, and the right of the State to bring suit against the People. The positions of Attorney General and Prosecutor, of both the United States and the several states, come under the Judicial Branch not the Executive Branch of the government. All attorneys come under Judicial Branch and are judicial officers under the Supreme Court, which means they can only represent the court and not the People or the State or government. The Eleventh Amendment removed all "judicial power" from the "inferior courts" and the prosecutor's office as well as from all court officers in law, equity, and so forth.
7. The Eleventh Amendment also makes a foreign state separation from the position of the Public Office positions to throw off the People. The People have Eleventh Amendment immunity, because there is no "JUDICIAL POWER" of the "inferior courts" and the People have FOREIGN SOVEREIGN IMMUNITY.
8. The fact the public officials are not citizens, but rather, foreign citizens, this case must be dismissed, because petitioner enjoys the 11th Amendment Foreign Sovereign Immunity; therefore, this court lacks and lacked personal/subject-matter jurisdiction to enforce judicial power when the petitioner was arrested for a criminal complaint/indictment. This court is an administrative court and not a criminal court. In other words, no judicial power makes this court an administrative court. Also, this following act proves that this court is an administrative agency: The administrative Procedure Act, Title 5- Government Organization and Employees Administrative Procedure Act part I- the agencies generally chapter 5 subchapter II- administrative procedure 551. Definitions. For the purpose of this subchapter- *(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.
9. There are no judicial courts according to FRC v. GE (General Electric) 281 U.S. 464(1930), Keller v. PE(Potomac Electric) 261 U.S. 428 1 stat.(138-178)(1923) "Judges do not enforce statutes and codes. Executive Administrators enforce statutes and codes. There have not been any judges in America since 1789. There have just been administrators." These Supreme Court of the United States cases confirms that this court has and had no judicial power to enforce and impose on the petitioner; therefore, any and all actions of and from this court are null and void.

- 10.) The petitioner requests immediate release and demand for dismissal for failure to state the proper jurisdiction and venue pursuant to FRCP Rule 4 (j). This court is defined under FRCP Rule 4 (j) as a foreign state as defined under 28 USC, chapter 97— Jurisdictional Immunities of Foreign States, Sec. 1602 -1611. The Foreign Sovereign Immunities act (FSIA) allows the petitioner to challenge jurisdiction, therefore full disclosure of the true jurisdiction of this court is now being demanded. Any failure to disclose the true jurisdiction is a violation of **15 Statutes at Large, Chapter 249 (section 1), enacted July 27, 1868**

Chap. CCXLIX. ---An Act concerning the Rights of American Citizens in foreign States

Whereas the rights of expatriation is a nature and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the right of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the government thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Thereof.

Be it enacted by the Senator and the House of Representatives of the United States of American in Congress assembled, That any declaration, instruction, opinion, order, or decision, of any officers of is government which denies, restricts, impairs or questions the rights of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

- 11.) The petitioner holds the inherent right of the 11th Amendment. "The judicial power shall not be construed to extend to any suit in law or equity, commenced or prosecuted by a Foreign State." If this FOREIGN STATE is misusing the name of this Petitioner by placing it in all caps or misusing the last name or using the term "person" as a CORPORATION, all complaints and suits against such CORPORATION fall under the FSIA and the DEPT OF STATE OFFICES in Washington DC. DC had to be notified pursuant to 22 CFR 93.1-93.2. This procedure was not followed by the Plaintiff(s)/Respondents. A copy of the FSIA has to be filed with the complaint to the Defendant's agent and the chief executive officer of that CORPORATION.
- 12.) Because the Defendant is a non-corporate entity, and is not registered with any Secretary of State as a CORPORATION, the Prosecution has **FAILED** to state a claim to which relief can be granted under 12(b) (6). Therefore this matter must be dismissed for lack of political, personam, subject matter jurisdiction, and Venue under the 11th Amendment.
- 13.) The Petitioner is now placing a Demand for jurisdiction under new discovery of information of fraud and failure of disclosure by the Court, the prosecution and by the attorney assigned to petitioner's case when he was the defendant and, therefore a dismissal of charges, with prejudice, in favor of this Petitioner is demanded because of fraud placed upon the court. (See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322

11,

U.S. 238 (1944).

GROUND IV. PETITIONER IS NOT AN ENEMY ALIEN RESIDENT

1. According to Federal Rule of Civil Procedure, Rule 2, "There is but one cause of action and that is civil," and this court has prosecuted and indicted this petitioner in a "criminal action." This is clear and present violation of the said rule; therefore, the petitioner's indictment is forever null and void, due to lack of jurisdiction.
2. Title 50 United States Codes (USC), Chapter 3, Alien Enemy, in appendix section 23, Jurisdiction of the United States court and judges, is where criminal courts get there jurisdiction from. According to the said code, criminal charges can't be brought against this petitioner because he is not an enemy alien resident; therefore, this court has and had no subject-matter jurisdiction and the government doesn't have a leg to stand upon, no standing whatsoever, because the criminal charges only apply to Alien Enemies. The petitioner doesn't qualify according to this paragraph.
3. Dismissal is warranted just for this ground alone because this ground reveals that the government had no standing to bring criminal charges, the court had and has no subject-matter jurisdiction to move forward, and the petitioner is not an alien resident to qualify for a criminal prosecution in an administrative court perpetrating a fraud as a criminal court.

GROUND V. CRIMINAL COMPLAINT/INDICTMENT WASN'T VERIFIED

1. Lastly, the judge, clerk of the court, and the US Attorney are public officials that took an oath to uphold the US Constitution. 22 CFR (Code of Federal Regulations) 92.12-92.31 FR Heading "Foreign Relationship" states that oath is required to take office. The petitioner respectfully request that the said public officials produced their oath of office and performance bonds with the Secretary's of State, notarized, Seal on it, demonstrating that they are in fact lawful public officials of the United States in order to be even qualified to contract with this petitioner, on the government's behalf. It's only fair that the said public officials show and prove their lawful public government authority; especially, considering the fact the petitioner's life, liberty, and property is at stake; therefore, due process requires the said public officials to show and prove. Unfortunately, this was never done, because judges, the clerk of court, and lawyers are all judicial Officers. They do not represent the people and cannot represent the United States; therefore, any and all contracts entered are null and void for this reason alone.
2. Additionally, I request the judge, the clerk, and the Attorney that was involved with the petitioner's indictment to show registration as a foreign agent, which is required by Title 22 USC chapter 11 Section 4, section 611. "Once citizenship is relinquished you must register as a foreign agent." This was never done, therefore, petitioner was never afforded due process and equal protection of the law when his life,

12.

liberty, and property as a stake, in violation of the 5th and 14th Amendments under the US constitution.

- 3.) Petitioner can go as far as saying that the said public officials failure to identify their rightful public authority amounts to the entire court process not being verified, because it can't even be proven that the said public officials were who they said they was. The petitioner could have been convicted by anyone under the circumstances; therefore, **any** judgment of conviction is null and void.

GROUND VI. NO STANDING

- 1.) The government has no standing to prosecute, because there is no indictment by any person with standing to support probable cause; mainly, because the US Attorney didn't conduct an investigation; therefore, the US Attorney doesn't have first-hand knowledge of the events and anything and everything that the government said is hearsay evidence, according to the Federal Rules of Evidence, Hearsay is a, "statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." In this case the FBI investigated the petitioner's case.
- 2.) The FBI, well, the agent or officer who made the arrest or conducted the investigation would have had to sign the indictment, because the said officer has first-hand knowledge of the events gathered through the investigation.
- 3.) The US Attorney in petitioner's case doesn't even qualify as a good witness, because of hearsay testimony, but yet, the government prosecuted the case and signed the indictment when only two people could have signed the petitioner's indictment in order to authorize it. Those two are as follows: The holder in due course would have been the primary signature of the indictment; and the flesh and blood victim (Corpus Delicti), as the United States of America, would have had to sign as a secondary signature of the indictment. The holder in due course would have had to gave power of attorney over to the government via contract in order for the government to lawfully prosecute the petitioner. Unfortunately, this was never the case and petitioner moves the court to release him from custody and dismiss all charges stemming from petitioner's null and void **Complaint; indictment.**
- 4.) Furthermore, the United States of America will never have standing, because it is not the injured party, the Corpus Delicti (flesh and blood victim), and can never be because the United States of America is a Federal Corporation. "There can be no crime without an injured party" ~ Common Law/ Corpus Delicti
- 5.) The US Attorney signed the indictment without being the holder in due course, which is required for the plaintiff according to International Law, Uniform Commercial Code,

UCC 3-308. This is clear and present fraud; therefore, the dismissal of charges, with prejudice, in favor of this Petitioner is demanded because of fraud. (See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)).

- 6.) Based upon this entire ground the prosecution again, has no leg to stand upon, no standing. Let's see what the courts say about standing: Standing is legally defined as: "The position of a person in relation to his capacity to act in a particular instance..." 19 Am J2d Corp Section 559, Ballentine's Law Dictionary, page 1209.
- 7.) "In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." Worth v. Seldin, 422 U.S. 490, 498 (1975).
- 8.) If a plaintiff lacks standing, then the courts, all courts, are legally and constitutionally incapable of proceeding because: "Courts only adjudicate justifiable controversies." United States v. Interstate commerce Commission, 337 U. S. 426, 430.
- 9.) "The requirement of standing, however, has a core component derived directly from the constitution. A plaintiff must allege personal injury fairly traceable to the defendant's allegedly wrongful conduct and likely to be redressed by the requested relief." Allen v. Wright, 468 U. S. 737, 751 (1984) This, of course, references Article III, Section 2, of the US Constitution, which requires a plaintiff to present a case before a court may proceed: "The judicial power shall extend to all cases..."; "The case-or-controversy doctrines state fundamental limits on federal judicial power in our system. The Article III doctrine that requires a litigant to have standing to invoke the power of a federal court is perhaps the most important of these doctrines." Allen v. Wright, page 750.
- 10.) Tyler v. Judges of the court of Registration, 179 U.S. 405. Standing consists of two absolutely essential elements: 1) violation of a legal right and 2) personal injury. Neither one without the other is sufficient, both are required.
- 11.) Based upon the information contained in this ground the court must dismiss the null and void **indictment** due to lack of standing and jurisdiction.

GROUND VII. IMPROPER VENUE

- 1.) The Petitioner asserts that his **indictment** was entered in the improper venue and requests dismissal, with prejudice, in favor of this Petitioner.

TITLE 28 > PART IV > CHAPTER 99 > § 1631

§ 1631. TRANSFER TO CURE WANT OF JURISDICTION

Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

- 2.) Now, the Petitioner will point out in the federal statutes the ways the Court names are spelled, and how they spell out the jurisdiction of the courts.

Under Title 28, sec 1391 this court under the heading of The United States District Court or United States district court falls under chapter 97 JURISDICTIONAL IMMUNITIES OF FOREIGN STATES as a Foreign State Court.

- a) This information was not properly disclosed at the time of the filing in this case by the clerk of court, or
- b) it was not disclosed by the Court/judge, or
- c) by the Prosecution, or
- d) by petitioner's attorney(s) at the time of arraignment.

Failure To Disclose The Foreign Sovereign Immunities Act of 1976

- 3.) Under such Court action the Petitioner was never properly served per Fed. R. Civ.P., Rule 4 (j).
- 4.) The Petitioner, under such foreign status and/or jurisdiction, has immunities under the International Organizations Immunities Act (IOIA) Of 1945, HR 4489, P.L.291, 59 STAT 669. This is an Act of Congress as defined under 28 USC § 1652
- 5.) The Petitioner also holds immunities under 49 stat 3097, Treaty Series 881, Rights and Duties of the States. This is an Act of Congress defined under § 1652.
- 6.) The Petitioner also holds immunities under the 11th Amendment of the U.S. Constitution which was also an Act of Congress, and under the U.S. Constitution as defined under 28 USC, §§ 1331 and 1652.
- 7.) Petitioner will point out that 28 USC, sec. 610 clearly shows the **district court of the United States** is and was the correct jurisdiction and venue as an Article III court to try this Petitioner. The STATE OF ~~CALIFORNIA~~ / UNITED STATES OF AMERICA is/was aware of the 1933 bankruptcy, and in Title 12, chapter 2, section 95, 95(a), and 95(b) that a declared state of emergency has been declared by many Presidents of the united State of America.
- 8.) **US Code - Title 28: Judiciary and Judicial Procedure**

28 USC 610 - Sec. 610. Courts defined

As used in this chapter the word "courts" includes the courts of appeals and **district courts of the United States**, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade.

9.) You will not find in the United States Code any jurisdiction or venue for the "UNITED STATES DISTRICT COURT"/"U.S. DISTRICT COURT" as all other courts have been correctly named and defined by legislative enactment and are being pointed out in this filing.

1. Title 28 USC under § 1331.

The **district courts** shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

2. This is an Act of Congress as defined under § 1343.

§ 1343. Civil rights and elective franchise

(a) The **district courts** shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

10) TITLE 28 > PART V > CHAPTER 111 > § 1652

§ 1652. State laws as rules of decision

The laws of the several states, except where the Constitution or treaties of the United States or **Acts of Congress** otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply.

The Courts

First Court;

11.) TITLE 18 > PART I > CHAPTER 1 > § 23.1

§ 23.1 Court of the United States defined

As used in this title, except where otherwise expressly provided the term “**court of the United States**” includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands.

Second Court;

12.) TITLE 26 App. > TITLE II, THE COURT > Rule 10
Rule 10. Name, Office, and Sessions

(a) **Name:** The name of the Court is the United States Tax Court.

(b) **Office of the Court:** The principal office of the Court shall be in the District of Columbia, but the Court or any of its Divisions may sit at any place within the United States. See Code secs. 7445 and 7701(a)(9).

(c) **Sessions:** The time and place of sessions of the Court shall be prescribed by the Chief Judge.

(d) **Business Hours:** The office of the Clerk at Washington, D.C., shall be open during business hours on all days, except Saturdays, Sundays, and legal holidays in the District of Columbia, for the purpose of receiving petitions, pleadings, motions, and other papers. Business hours are from 8:00 a.m. to 4:30 p.m. For legal holidays, see Rule 25(b).

(e) **Mailing Address:** Mail to the Court should be addressed to the United States Tax Court, 400 Second Street, N.W., Washington, D.C. 20217. Other addresses, such as locations at which the Court may be in session, should not be used, unless the Court directs otherwise.

13) TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7402
§ 7402. Jurisdiction of district courts

(a) **To issue orders, processes, and judgments**

The **district courts of the United States** at the instance of the United States shall have such jurisdiction to make and issue in civil actions, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and processes, and to render such judgments and decrees as may be necessary or appropriate for the enforcement of the internal revenue laws. The remedies provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such laws.

14) TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7403
§ 7403. Action to enforce lien or to subject property to payment of tax

(a) **Filing**

In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the Attorney General or his delegate, at the request of the Secretary, may direct a civil action to be filed in a **district court of the United States** to enforce the lien of the United States under this title with respect to such tax or liability or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title, or interest, to the payment of such tax or liability. For purposes of the preceding sentence, any acceleration of payment under section 6166(g) shall be treated as a neglect to pay tax.

Third Court; under Tax issue.

15) TITLE 26 > Subtitle F > CHAPTER 78 > Subchapter A > § 7604

§ 7604. Enforcement of summons

(a) Jurisdiction of district court

If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

A) Upon the filing into the UNITED STATES DISTRICT COURT the IRS Attorney(s) has committed fraud for failure to file their issue before the correct court name as found in their own IRS CODES section. This failure violates the Rules of Ethics which "ALL ATTORNEYS" are required to follow per the sworn Oath that was given by them. The proper court heading is United States Tax Court Not the UNITED STATES DISTRICT COURT.

B) Such filing into the UNITED STATES DISTRICT COURT now comes under jurisdiction challenge per 28 USC § 1631. Transfer to cure want of jurisdiction. The Petitioner will continue to point out further errors of the Attorney(s) for the IRS and that the two other courts listed in their Title 26 Codes sections are the United States district court and the district court of the United States.

C) These IRS agents willfully failed to file into the correct jurisdiction and venue with willful intent to defraud the court and the defendants, causing harm, and injuries, and to cause all filings of the Plaintiff(s) to be dismissed under 12(b) because there is no correct setting of jurisdiction or venue before the court.

D) The People have not been made aware of this fraud upon the court and themselves until now. 28 USC, sec. 1631, however, allows the defendant(s) to correct this and place their case(s) under the Article III "district court of the United States" under control of and jurisdiction of sections 1331 and 1340.

E) The IRS is, by definition, an agency of a foreign State based in Puerto Rico in one of the territories of the UNITED STATES, Not a State of the United States. As the defendants are not citizens of such a territory the Attorney(s) for the IRS has committed and created intentional fraud upon the Court.

Fourth Court;

16) TITLE 28 > PART IV > CHAPTER 87 > § 1391

§ 1391. Venue generally

(f) A civil action against a foreign state as defined in section 1603(a) of this title may be brought—

(1) in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;

(2) in any judicial district in which the vessel or cargo of a foreign state is situated, if the claim is asserted under section 1605(b) of this title;

(3) in any judicial district in which the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality of a foreign state as defined in section 1603(b) of this title; or

(4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision thereof.

Fifth Court;

17) US Code - Title 28: Judiciary and Judicial Procedure - 28 USC 610 - Sec. 610. Courts defined

As used in this chapter the word "courts" includes the courts of appeals and district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade.

Sixth Court;

18) The UNITED STATES DISTRICT COURT. There is NO Code, Rule, Regulation, Law, Congressional Act, etc., that authorizes the UNITED STATES DISTRICT COURT.

19) According to 18 USC, Section 3231 – District Courts, “The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States. Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.”

20) Now, according to point 19 of this section, 18 USC, Section 3231, gives the district courts of the United States its original jurisdiction. Nowhere does it say THE UNITED STATES DISTRICT COURT, shall have original jurisdiction; therefore, all of THE UNITED STATES DISTRICT COURT are fraudulent in nature and the defendant was **Indicted** in the improper venue and all charges against him must be dismissed.

Now the Petitioner has pointed out in each of the federal statutes cited the ways the five existing Court names are spelled, and spells out the jurisdiction of those courts. There are no Federal Statutes, etc., that show that the UNITED STATES DISTRICT COURT or the U.S. DISTRICT COURT exists or has any jurisdiction or venue as they misuse the jurisdiction given to the "district court of the United States" in Title 28 USC for the "district court" jurisdiction and venue section.

Based upon this entire ground, the petitioner's **indictment** is void, because it was entered in the improper venue.

GROUND VIII. VOID CONTRACTS

The petitioner was **indicted** in a court of law that lacked jurisdiction and etc., (see all grounds) to try the case; therefore, case number(s): **2:20-cr-00213KJM**, should be dismissed and all contracts associated with the case(s). **Any** conviction(s) does not exist without proper contract(s),

standing, jurisdiction, and etc., as demonstrated by the multitude of American Case Law that I cited and other authorities as well too.

WHEREFORE, based upon the foregoing facts and the authorities therein, the petitioner respectfully request this honorable court to dismiss the void contract/indictment and to release the petitioner from custody, immediately, "IN THE INTEREST OF JUSTICE."

Additionally, award the defendant compensatory damages (compensation for actual damages) in the amount of \$100,000,000 million dollars.(One-Hundred millions dollars)

Award the defendant punitive damages (special damages) in the amount of \$31,000,000 ,million dollars.(Thirty-one million dollars) For the government without having proper venue and lack of personal/subject-matter jurisdiction, no signature of the holder in due course, and the Corpus Delicti.(all contracts are void ab initio, "Ignorance of the Law is No Excuse" Fraud vitiates all contracts")

The Respondent, the United States of America has 14 days to respond or rebut, point-by-point, or default judgment will be entered for all relief requested. Additionally, a \$ 50,000 Dollar per day fee will run if no action is taken after the 14 days has expired, and this reply will stand as truth in commerce, at law, if not rebutted within 14 day timeframe; and it will stand as evidence that the said case has been dismissed.

VERIFICATION

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO



I Shalam C. Saintillus-Bey, pursuant to title 28, USC section 1746, "I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct." (All Rights Reserved Without Prejudice; U.C.C. 1-207/1 -308, U.C.C. 1-103.6, U.C.C. 3-308; 3-402.)

Signed on this 19 day of May 2022, by the undersigned authority:

Petitioner, pro per/ pro-se, Shalam C. Saintillus-Bey (Moorish Haitian-American)

In ProPria Persona, San Joaquin

Sacramento County Main Jail 5E119A

651 I Street

Sacramento, California, [95814]



United Nations A/RES/61/295

General Assembly Distr.: General

2 October 2007 Sixty-first session Agenda item 68 06-51207

Resolution adopted by the General Assembly

[Without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, 1 by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to Defer consideration of and action on the Declaration to allow time for further Consultations thereon and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly, Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution. 107th plenary meeting 13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples The General Assembly, Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter, Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such, Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs, Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment, Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child, Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character, Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States, Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law, Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith, Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the Peoples concerned, Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples, Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field, Recognizing and reaffirming that indigenous peoples and in the development of relevant activities of the United Nations system in this field, Recognizing and reaffirming that indigenous individual are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration, Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

[Pg. 1]

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the A/RES/61/295 5 community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

[P. 2]

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. A/RES/61/295 6
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labor law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labor and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. A/RES/61/295 7

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

1. Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. A/RES/61/295 8

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented. A/RES/61/295 9

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

[Pg 4]

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards. A/RES/61/295 10

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established. A/RES/61/295 11

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-

discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

The Office of the High Commissioner for Human Rights
OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10, Switzerland

Malcolm C. Santillano-Bey

[Pg. 6]

PHILLIP A. TALBERT
United States Attorney
SAM STEFANKI
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

*Conditionally accepted
Upon Proof of Claim"
UCC. 3-308; Prove
in your "308; Prove
Court has "that this
action" is "Criminal (Not Civil)
(IN its Jurisdiction.
Once Proven, Beyond a
Reasonable Doubt, then
Prove it
(ON the Record).
Show where Congress
granted it in proper
Context.
No Consent*

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHALONER SAINTILLUS,

Defendant.

CASE NO. 2:20-CR-00213-KJM

UNITED STATES' OPPOSITION TO
DEFENDANT'S FURTHER MOTION TO DISMISS

*"Judicial Ethics Law on Stock
Disclosures" President Biden Signed into
law, May 13, 2022.*

The United States of America (the "government") respectfully requests that the Court deny defendant Chaloner Saintillus's most recent efforts to dismiss the criminal charges against him. Saintillus's filings advance a meritless view of the Court's jurisdictional power that should be summarily rejected.

I. FACTUAL AND PROCEDURAL BACKGROUND

Saintillus is charged by indictment with one count of conspiracy to distribute controlled substances and four counts of distributing controlled substances. ECF No. 5. These charges stem from Saintillus's distribution via the dark web of controlled substances such as heroin, oxycodone, oxymorphone, and fentanyl. ECF No. 1; ECF No. 5.

On April 29, 2022, Saintillus filed a document captioned, "Motion to Compel Dismissal and Release." ECF No. 109. This most recent filing recycled a number of meritless claims Saintillus previously raised. For example, it purported to appoint the Court as settlor of a trust, which would ostensibly compel the government to "sign off on the dismissal and render [Saintillus's] release." ECF

*1 (Prove this Court is an
Article III Court.)*

No. 109 at 1. Saintillus attached a number of documents to this filing, including his birth certificate, a document purporting to be an “Official Declaration-Proclamation of the Moorish American Nation, Our Status and Jurisdiction,” and a declaration apparently intended to appoint the Court and the government’s attorney as “successor trustee(s)/fiduciaries” which also demanded \$31 million in damages. ECF No. 109 at 6–86. Saintillus’s filing also argued that the Court has no jurisdiction over him because “every single court [is] considered a seperate [sic] foreign entity.” ECF No. 109 at 90. And it further asserted, among other things, that the Court is without jurisdiction over Saintillus because he enjoys sovereign immunity and because “all of the United States District Court are fraudulent in nature.” ECF No. 109 at 92, 94.

II. ARGUMENT

Saintillus provides no valid grounds upon which to dismiss the indictment against him. The Court should therefore deny his most recent motion and its various supplements.

A. The Court Has Jurisdiction to Preside Over This Case.

The Court has jurisdiction over this case because Saintillus is charged with a violation of federal criminal law and the “district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.” 18 U.S.C. § 3231. The United States District Court for the Eastern District of California is a “district court” of the United States,” and hence has jurisdiction over violations of federal criminal law. *Id.* Since Saintillus is charged with just such a violation of the laws of the United States, the Court has jurisdiction over him and over the criminal case in which he is a named defendant. *See* ECF No. 5 (containing charged violations of federal criminal law). There is no reasonable basis to conclude, as Saintillus argues, that the Court is a foreign entity or somehow fraudulent. *See* ECF No. 109 at 90, 94.

Saintillus’s other assertions are meritless and repetitive arguments derived from a so-called Moorish-American belief system that courts across the country uniformly reject. *See, e.g., Bey v. Gascon*, No. 19-CV-03184-WHO, 2019 WL 5191012, at *5 (N.D. Cal. Oct. 15, 2019) (collecting cases in which courts rejected Moorish-American claims to being outside federal district court jurisdiction). The Court should do the same here and emphasize to Saintillus that his repeated invocation of a nonsensical legal theory wastes the Court’s time and resources.

III. CONCLUSION

The Court should deny Chaloner Saintillus's most recent motion to dismiss. The Court has jurisdiction over this case and should express that reality clearly to the defendant.

Signed into Law May 13, 2022)
President Biden New Bill "Judicial Ethics Law on Stock Disclosures"

Dated: May 6, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

"Conditionally accepted
upon proof of Claim"
UCC § 3-308; Prove in
your "U.S.C." that this Court
has "Criminal action" jurisdiction
Once Proven "In its Proper Context!"
then we can proceed.
(Prove it, Beyond a reasonable doubt)
Show where Congress
granted it in its proper
Context in its proper
NO Consent!

18 USC. § 3231 "Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof." (Article III Courts)

Shalane C. Saintillus-Bey

Maxims of law

A Payment tendered and refuse is paid in full.
An offer command a response; A offer Refused is Dishonored.
Creditors never lose, Debtors never win.
You must give honor to get honor.
He who has the Gold Pays the Debt; No one can Be compelled to do the impossible.

HJR 192 of 1933 is public Policy.

A Contract is a Bond; A Bond is a Contract.

Public Policy is an unbeatable contract bond.

The Borrower, slave, debtor, created is subject to the Lender, Master, creditor, creator.

An offer of Legal Tender cannot be refused.

The refusal of Legal Tender is a debt Discharged.

Refusing to accept Payment on a debt cancels the Debt.

All Debts are forgiving in Bankruptcy; creating a controversy is a dishonor. - All men are equal under the law.

In commerce Truth is Sovereign. - Truth is expressed in the form of an affidavit. - An Unrebutted Affidavit stands as Truth; Becomes Judgement in commerce.

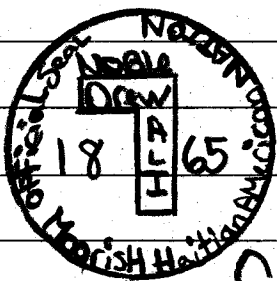
He who leaves the field of Battle first lose By Default.

A lien or claim can be Satisfied only Through rebutted By counter Affidavit ^{by Point} Point, resolution By Jury, or payment or performance of the claim. - All Debts must be either accepted and Discharged or paid with notes.

Public Notice:

THE WALL Street Journal Weekend (May 14-15, 2022)
Pg. A4

- President Biden Signs Judicial Ethics Law on Stock Disclosures.
- For federal judges around the nation violating U.S. law and judicial ethics by overseeing 1,076 court cases involving companies (ie. Corporations e.g. Trust/Estate Property) in which they or their family owned stock.
- Seems like Modern day slave Owners if you ask me. (Pretty Sure District Attorneys, Attorneys are all in on this Big Conspiracy.)
- 2nd Paragraph (Pg. A4 under title Above) "The law now will allow litigants and the public to determine more promptly whether judges have failed to rescue themselves from a case in which they own shares in a party to a lawsuit over which they are presiding."
- "Until now, the public had to wait months or years for the judges and federal court system to release disclosure forms."



Article By: JAMES V. Grimaldi

"Seems very Sensical"

Sincerely yours, Shalam C. Saintilus, Esq.

General Executor, Beneficial/Equitable holder;
(Sole Beneficiary) of Trust/Estate: CHALONER SAINTILLUS;

:Certificate of service: "Proof of Service" Pro Se. Pro Per.

Following (Bonded) Documents Has Been: Signed, Sealed and Delivered To the following Required Parties: (Served!)

-Chief Judge Kimberly-Mueller (U.S. DBA. Eastern District of
501 I Street California) Dunn and
Sac, California, [95814] Bradstreet #003187213

-"GOV." (Attorney General Phillip A Talbert; (U.S. DBA District Attorney)
A. Attorney General-"Mr. Sam Stefanik) Dunn and Bradstreet #
501 I Street, Ste. 10-100 038284311
Sac, California, [95814]
(916)554-2700

-OFFICE of the Clerk of Court *Provide Me Copies of These
501 I Street, Ste. 4-200 Filings... herein. Thank You!
Sac, California, [95814]

U.S.C. 18 § 2071 "Concealment Fraud" (Fines; 3 Year Prison Pen.)

U.S.C. 18 § 2076 "Clerk is to file" (Fines; 1 Year Prison Pen.)

U.S.C. 18 § 241-242 "Deprivation, Denationalize; Deprive any right By reason of color or race" (Fines; up to 10 Years Prison Penalty)

I hereby certify that a true and correct copy of the foregoing, Mail to: Above
By: Shalon C. Saintilly-Bey; In Propria Persona, Sui Juris

Autonomous (Moorish Haitian American): Sole Attorney; General
Executor; Beneficial Entitlement Holder of the Trust/Estate, ALL
CAPS Defendant: CHALONER SAINTILLY US: ucc 1-103.6; 1-308;
3-308; 3-402

